THE HONOURABLE SRI JUSTICLE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO

W.P. NO.24952 of 2006

Dated: 26-12-2006

Between:-

Girish Ippatwar

...

PETITIONER.

And

The Superintendent of Police, Nizamabad,
Nizamabad District and others.

...

RESPONDENTS

THE HONOURABLE SRI JUSTICLE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO

W.P. NO. 24952 of 2006

O R D E R (per Hon'ble Sri Justice D. Appa Rao)

The petitioner, son of detenu Naganath Ippatwar, filed this petition by way of a writ of Habeas Corpus for production of his father Naganath Ippatwar.

2) The case of the petitioner is that Naganath Ippatwar is his father. His father was running a country spirits shop at Sugoan village of Degloor, Nanded District under a valid licence from the Government of Maharastra. While so on 9.11.2006 at about 10.00 A.M. the 2nd and 3rd respondents along with police constables came and took him away. When he went to the police station, one of the constables gave an entry in the case diary revealing that the 2nd and 3rd respondents along with police constables took his father for enquiry in a case. On 10.11.2006 at 1.30 P.M. his father telephoned him and told him that the police of Central Crime Station, Nizamabad demanding an amount of Rs.75,000/- for his release. Though, his father asked him to arrange the said amount he was unable to arrange the ame. His efforts to get his father released became futile. Since his father was in unlawful detention he sought a writ a Habeas Corpus for production of his father.

3) The 2nd respondent the Inspector of Police filed counter *inter alia* stating that on 6.6.2006 one Tirumala Venkata Narasimha Chari,

Goutham Nagar, Nizamabad lodged a complaint alleging that some unknown offenders entered into his brother's house, beat his brother and sister-in-law and committed robbery of gold ornaments, cash and clothes and fled away. Basing on the same a case in Crime No.129 of 2006 under Section 397 IPC was registered. Investigation, disclosed that one Sugand Rao Bosle along with detenu and others have committed the offence. Accordingly on 3.12.2006 the police arrested the detenu. On interrogation, he voluntarily confessed that he has received 75 tolas of gold and silver ornaments. He was also involved in similar crimes. The detenu was arrayed as A-10 in the said crime. He was produced before the learned Judicial Magistrate of First Class, Nizamabad on 4.12.2006, who in turn, remanded him to juidicial custody.

4) Since the detenu was detained in the judicial custody and the said fact was not in dispute, nothing survives in this writ petition. Accordingly, the Writ Petition is dismissed. No costs.

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J.

CHELAMESWAR,J

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D. APPA

RAO,J
26th December 2006.

BCS